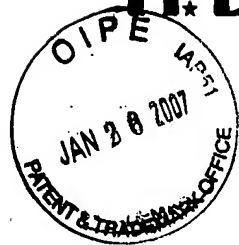


**H. D. FOSTER®**



Application Number 10/600,028  
Filing or 371(c) Date 06/23/2003  
First named applicant Harold Douglas Foster  
Confirmation No. 1326  
Send by courier April 3, 2006

1543 Ash Rd.  
Victoria, B.C.  
Canada  
V8N 2S9

Mail Stop Petition  
Commissioner of Patents  
PO Box 1450  
Alexandria  
VA 22313-1450  
USA

Petition for revival based on unintentional abandonment

Dear Commissioner,

This petition is based on the fact that the abandonment in completing the Patent Application (Number 10/600,028) was unintentional. (MPEP 711.03(c), subsections (111) (C) and (D)). Copies of the Notice to File Missing Parts of Nonprovisional Application and of the Notice of Abandonment under 37 CFR 1.53(f) or (g) are included with this letter.

Please also find enclosed two compact discs labelled Copy 1 Replacement 04/03/2006 and Copy 2 Replacement 04/03/2006. As required by 37 CFR 1.52(e), I certify that each disc of this duplicate set is identical to the other discs in the set.

For each compact disc the machine format is IBM compatible; the operating system compatibility is ASCII format, Windows 98 up to Windows XP. There is one file on each compact disc, its file name is Patent Application; it is 20KB in size. These discs were created as replacements for earlier submitted non-complying discs on 04/03/2006 (April 3, 2006).

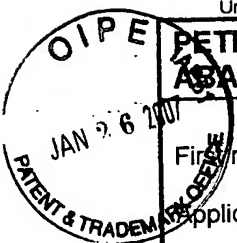
Yours sincerely,

Harold D. Foster Ph.D.

cc. Mail Stop Missing Parts,  
Commissioner for Patents  
PO Box 1450  
Alexandria  
VA 22313-1450  
USA

Also transmitted by facsimile (571) 273-8300

*DAE*  
*TFW*



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: **HAROLD DOUGLAS FOSTER**

Application No.: **10/600,028**

Art Unit:

Filed: **06/23/2003**

Examiner:

Title: **PROTOCOL FOR AIDS PREVENTION AND TREATMENT  
BY NUTRITIONAL METHODS**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ **750** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Harold D. Foster  
Signature

3RD APRIL 2006  
Date

HAROLD D. FOSTER  
Typed or printed name

Registration Number, if applicable

1543 ASH ROAD, VICTORIA,  
Address

(250) 592-9345  
Telephone Number

BRITISH COLUMBIA V8N 2S9, CANADA.  
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

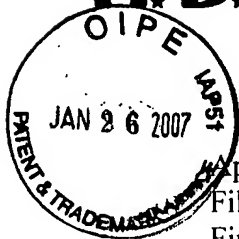
3RD APRIL 2006  
Date

Harold D. Foster  
Signature

DISCS AND PETITION  
FOR REVIVAL ALSO  
SENT BY COURIER.

HAROLD D. FOSTER  
Typed or printed name of person signing certificate

**H.D. FOSTER®**



Application Number 10/600,028  
Filing or 371(c) Date 06/23/2003  
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Please also find enclosed two compact discs labelled Copy 1 Replacement 04/03/2006 and Copy 2 Replacement 04/03/2006. As required by 37 CFR 1.52(e), I certify that each disc of this duplicate set is identical to the other discs in the set.

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Yours sincerely,

A handwritten signature in black ink, appearing to read "Harold D. Foster".

Harold D. Foster Ph.D.

cc. Mail Stop Missing Parts,  
Commissioner for Patents  
PO Box 1450  
Alexandria  
VA 22313-1450  
USA

Also transmitted by facsimile (571) 273-8300



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22303-1450

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/600,028	06/23/2003	Harold Douglas Foster	

CONFIRMATION NO. 1326  
ABANDONMENT/TERMINATION  
LETTER

R. HAROLD D. FOSTER  
1543 ASH ROAD  
VICTORIA, BC V8N 2S9  
CANADA

Date Mailed: 02/14/2006

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (1) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/30/2003.

- o No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(c). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

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*A copy of this notice **MUST** be returned with the reply.*

*ADH*

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

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"5192267"